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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,856	05/23/2001	Martin A. Parker	82070RLO	9907

7590 02/16/2005  
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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/863,856

**Applicant(s)**

PARKER ET AL.

**Examiner**

Cao (Kevin) Nguyen

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petelycky et al. (US Patent No. 6,204,840) in view of Yang et al. (US Patent No. 6,301,586).

Regarding claim 1, Petelycky discloses a method for organizing visual digital objects and for selecting one or more of such visual digital objects for viewing, comprising the steps of:

- a) developing a histogram timeline which identifies a number of visual digital objects organized according to predetermined time periods and providing thumbnail representations thereof (see col. 3, lines 1-56); however, Petelycky fails to explicitly teach selecting a portion of the

histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion; and c) determining if one or more of the viewed such thumbnail representations is of interest and then viewing the corresponding digital visual objects.

Yang discloses selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion; and c) determining if one or more of the viewed such thumbnail representations is of interest and then viewing the corresponding digital visual objects (see col. 22, lines 8-60). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects as taught by Yang to produce a multimedia output file from the storyline strip of Petelycky in order to enable user for viewable or previewing a histogram of the multimedia digital objects and digital object transition positions.

Claim 2, differs from claim 1 in that “selecting a portion of the histogram timeline for viewing representations of digital multimedia objects corresponding to such selected portion; and determining if one or more of the viewed representations is of interest and then viewing or processing the corresponding digital multimedia object (s) which broadly read on Petelycky (see col. 8, lines 8-56).

Claim 3, differs from claims 1 and 2 in that “a method for organizing digital multimedia objects including visual and audio and for selecting one or more of digital multimedia objects for viewing or listening, comprising the steps of: a) developing a histogram timeline which identifies

a number of such objects organized according to predetermined time periods and providing thumbnail or iconic representations of the visual objects and text or iconic representations of the audio objects” which read on Petelycky (see col. 8, lines 18-67).

Regarding claim 4, Yang discloses wherein the representations correspond to a combination of visual and audio representations (see col. 12, lines 16-67).

Regarding claim 5, Yang discloses wherein the visual and audio objects include still and motion images (see col. 22, lines 8-54).

As claims 6 and 7 are analyzed as previously discussed with respected to claims 1 and 3 above.

Regarding claim 8, Yang discloses further including rendering the histogram timeline so the horizontal axis being time and the vertical axis is the number of digital multimedia objects, with the timeline length running from the earliest to the latest dates of the digital multimedia objects in the database and the duration (width) of the histogram timeline bins being responsive to the resolution and size of the display (see col. 17, lines 11-65).

Regarding claims 9-11, wherein the representations are provided in a separate viewable area than the histogram timeline and include the thumbnail images and icons of the digital multimedia objects have a displayed date and time of origination (see col. 25, lines 39-62 and figures 7-11).

As claims 12-17 are analyzed as previously discussed with respected to claims 1-3 and 8-11 above.

***Response to Amendment***

1. Applicant's arguments filed 12/13/04 have been fully considered but they are not persuasive.

On page 2, of the remark. All the claims are rejected under 103(a) as being unpatentable over Petelycky (US Patent No. 6,204,840) in view of Yang et al. (US Patent No. 6,301,586) are proper should be sustained.

In response to applicant's argument on pages 2-4 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Petelycky discloses developing a histogram timeline which identifies a number of visual digital objects used in combination of Yang's selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects. One skill in the art would have been obvious to enable user for viewable or previewing a histogram of the multimedia digital objects and thumbnail representing a timeline.

At page 2-5, of the remark, applicant argues that the combination of Petelycky and Yang fails to teach or suggest "developing a histogram timeline which identifies a number of visual digital objects". However, the limitations as claimed set forth to read on "Source materials may be organized according to a multitude of user defined properties such as subject, object type, composition sequence, file type, file name, size, date, etc. The source library window is context

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sensitive in that it displays source materials which are of the same type as the currently active object on the console. For example, if a video object is active in the console, video source material objects are presented in the source library window. If a transition appears on the console, various transition effects which can be applied appear in the source library window. If an audio object is presented on the console, audio effects which can be applied to the object appear in source library window. Source objects may be organized using hierarchical and relational database file storage methods for rapid retrieval and content management purposes. Such tasks include opening, creating and saving new libraries, viewing source files either as dynamic images or alphanumeric file names, adding files to any given library, causing selected files to be placed in the viewing window of console for previewing purposes, causing selected source materials to be automatically positioned on the storyline, enabling users to perform cut, copy, paste and delete operations as applied to selected source materials, renaming source material files and displaying given scene properties according to associated file and media properties. The storyline is better illustrated and as can be seen, a "film strip" metaphor is utilized. Client windows are located on the storyline and represent viewing frame objects constituting a source material and segment sequence. The client windows are separated by transition frames on the film strip. The transition frames are used to denote the presence of transition sequences between two sequential viewing frame objects as well as to provide access to an associated transition composition editor tool by means of a double mouse click. The film strip sequence display can be manually advanced in any direction by positioning the pointer and selecting and dragging the "film strip" in the desired horizontal direction. Individual viewing frame objects or transition frames can be highlighted for dynamic preview in the primary

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viewing window by performing a "shift" keyboard command in conjunction with appropriate cursor placement. Highlighting any given viewing frame object or transition frame and performing a left and then a right mouse click operation will cause an associated properties client window to appear. The client window is used to perform related tasks such as dynamic previewing, renaming source filenames, editing transitions and composition production" see col. 11-12, lines 1-65.

At page 7, third paragraph of the remark, applicant argues that the combination of Petelycky and Yang fails to teach or suggest "histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion". However, the limitations as claimed set forth to read on "The notebook view uses the album metaphor to organize/manage image/media files for the MOMA. Just as the user can add photos to the user's personal album, the user can add or insert any number of images to the user's album. The notebook view will be designed to manage images and information by using the tab keys and page keys. The tab keys provide an intuitive method for the user to organize and categorize media files. The tab keys are dynamically created based on the associated database tables for the number. The user can use the tab key to navigate between general category such as flowers, animals, vacation photos, etc. Within each category, the user can use the earmark of the page key to flip through all of the pages contained in that category. Media files can also be viewed in the form of a database table. Each column of the table represents one of the properties of the associated media file. Each row of the table represents one record that stores all properties such as index, file type, format, size, date, time, file path and name, are automatically generated when the album is created, some of the properties such as description (comments) and keyword



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should be specified by the album creator. Some of the spreadsheet cells can be updated or edited like any standard spreadsheet editing. Viewing media files in database tables is more efficient in terms of speed and memory consumption. There are both vertical and horizontal scroll bars. Vertical bar will be enabled whenever there is not enough space for displaying more records. Horizontal bar will be enabled whenever there is not enough space displaying more columns. The users can scroll up and down or left to right to view more records or fields. In the spreadsheet view, there are two kinds of data fields basic common fields and customized fields for each collection of albums. When the user highlights or selects a particular record, the corresponding thumbnail image will show up on the upper left corner of the spreadsheet, as illustrated. The user can perform in cell editing for some of the editable columns such as description. In order to update all of the updated data in the database, the user has to move the mouse cursor to next record. The global text annotation is designed to allow the user to change all of the text in the description filed. For example, the user may not want to type in detail description for each of the photos he/she took during the Paris vacation trip. The user globally annotated the created photo album by Paris Trip. The user can also select one or several records for text annotation.” See Yang col. 21-22, lines 1-65.

At page 8, of the remark, applicant argues that the combination of Petelycky and Yang fails to teach or suggest “a histogram timeline which identifies a number of visual digital objects organized according to predetermined time periods”. However, the limitations as claimed set forth to read on “A method for producing a multimedia composition comprising providing a user interface having a source material object window and a non-frame based storyline strip, said storyline strip having object viewing and object transition positions;

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associating individual identifiers in said window with time varying dynamic multimedia source material objects; choosing one of said identifiers in said window to retrieve a selected source material object; dragging said chosen identifier across said interface to one of said object viewing positions on said storyline strip; repeating said choosing and dragging to organize a multi-object multimedia composition in a desired order; and generating a multimedia output file based on chosen identifiers and transitions organized on said storyline strip and further comprising moving said chosen identifier from a first object viewing position to a second object viewing position on said storyline strip to organize said composition; see Petelycky col. 20, lines 7-30.

The claims invention as represented, does not distinguish over the prior arts as discussed above.

### *Conclusion*

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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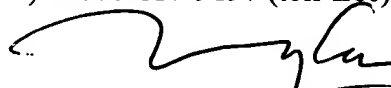
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053.

The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

02/14/05